

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez

Date: January 31, 2019
Courtroom Deputy: Anna Frank
Court Reporter: Mary George

Criminal Action No. 17-cr-00236-WJM

Counsel:

UNITED STATES OF AMERICA,

Kurt Bohn
Rajiv Mohan

Plaintiff,

v.

AARON MICHAEL KENDALL,

Michael Sheehan

Defendant.

COURTROOM MINUTES

Suppression Hearing

1:10 p.m. Court in session.

Appearances. Defendant is present in custody. Also seated at Government's table is Special Agent Ryan McKone with the Bureau of Alcohol, Tobacco and Firearms.

Court's opening statements.

Government's Exhibits 1 through 23 are admitted into evidence.

Court's comments regarding evidentiary hearing protocol.

1:17 p.m. Government's witness Officer Nate Lovan is called and sworn.

Direct examination of Officer Lovan by Mr. Mohan.

Cross-examination of Officer Lovan by Mr. Sheehan.

The Court asks questions of Officer Lovan.

Continued Cross-examination of Officer Lovan by Mr. Sheehan.

The Court asks questions of Officer Lovan.

Officer Lovan is excused.

1:39 p.m. Government's witness Officer Mitch Cotten is called and sworn

Direct examination of Officer Cotten by Mr. Bohn.

Cross-examination of Officer Cotten by Mr. Sheehan.

The Court asks questions of Officer Cotten.

Redirect examination of Officer Cotten by Mr. Bohn.

Officer Cotten is excused.

Government rests.

Discussion held regarding a lawful search incidental to an arrest. Prior to the Court ruling on Defendant's Motion to Suppress [ECF 33], Defendant requests the opportunity to fully brief this issue, as stated on the record.

ORDERED: The Court takes the Defendant's request under advisement.

ORDERED: Defendant's Motion to Suppress [ECF 33] and Defendant's Clarification RE: Motion to Suppress [ECF 46] are taken under advisement.

ORDERED: Defendant is remanded to the custody of the United States Marshal.

2:18 p.m. Court in recess.

Total time in court: 1:08

Hearing concluded.

FINAL LIST OF PROPOSED EXHIBITSCASE NO. 17-cr-00236-WJM PLAINTIFF'S LIST: ☒ DEFENDANT'S LIST: ☐ THIRD PTY DEFTS. LIST: ☐CASE CAPTION USA vs. Kendall DATE January 31, 2019

LIST PLAINTIFF'S EXHIBITS BY NUMBERS (1, 2, 3, etc.) and DEFENDANT'S BY LETTER (A, B, C, etc.)

EXHIBIT NO. / LTR	WITNESS	DESCRIPTION	AUTH-ENTICITY	STIP	OFFER	RECD.	REF.	RUL. RSVD.	COMMENTS/ INFO.
1		Rights Warning				X			1/31
2		Towed, Abandoned and Impounded Vehicles				X			1/31
3		Vehicle Impound/Recovery Report				X			1/31
4		Car - Driver side				X			1/31
5		Car - Right rear tail light				X			1/31
6		Car - Driver door closed				X			1/31
7		Counterfeit \$20.00 bill				X			1/31
8		Driver's seat with two phones				X			1/31
9		Center Console - closed				X			1/31
10		Center Console – Top section opened				X			1/31

EXHIBIT NO. / LTR	WITNESS	DESCRIPTION	AUTH- ENTICITY	STIP	OFFER	RECD.	REF.	RUL. RSVD.	COMMENTS/ INFO.
11		Center Console - opened				X			1/31
12		Center Console - false bottom removed				X			1/31
13		Drugs inside console				X			1/31
14		Drugs out of console				X			1/31
15		Driver's side - backseat				X			1/31
16		Passenger's side - backseat				X			1/31
17		Dashboard pulled back				X			1/31
18		Firearm in place				X			1/31
19		Firearm in place - close up				X			1/31
20		Firearm - removed				X			1/31
21		Magazine				X			1/31
22		Magazine - with ammunition				X			1/31
23		Officer Loven's Body Worn Camera Footage				X			1/31